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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,327	04/23/2001	Tadamasa Kitsukawa	50P4366	4083

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EXAMINER

CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/840,327	Applicant(s) KITSUKAWA ET AL.	
	Examiner Shirley Chang	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims (1-14, 16-22, ~~24~~-33) are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (WO 98/56188).

As to claim 1, the claimed "web server" is met by the server (page 1, lines 29-31); the claimed "television signal source" is met by the existence of "television content channels" (page 4, line 13) since television channels inherently have a television signal source; the claimed 'interactive television including plural television channels and plural virtual channels...television channels and virtual channels selectable by interactive television in order to display respective content' is met by the "television presenting internet content and traditional television programming as part of a single coherent interface" (page 4, lines 4-7) which "comprises means for selecting between channels separately representing individual television content and individual internet content" (page 4, lines 10-13), wherein "updates to the operating applications software used by the processor of the client can be provided by the server as needed" (claimed "virtual channels being periodically updatable with new content"); the claimed "ITV system server accessing a customer database to access consumer profiles useful for tailoring virtual channels to a consumer's profile...sending updates to the television" is met by an 'intelligent agent on either the client or the server based on the past viewing and browsing habits of the user...based on these recorded attributes, and algorithm may be used to modify the web content" (page 11, lines 19-27), and is also met by the 'specific

Art Unit: 2614

user profiles, which may provide preselected web links' (page 11, lines 35-29) and "may be automatically modified, adapted, and updated by either the client or the server, and be based at least in part on past viewing and browsing habits of the user" (page 12, lines 17-20).

As to claim 2, the claimed "Internet content provider" is met by that described on (page 10, lines 9-10); the claimed "television signal source" and "interactive television" is met as discussed in claim 1. Furthermore, "the user can directly select the next channel, whether Internet or television based, to be visited" (claimed 'user selecting a television or virtual channel').

As to claim 3, the claimed logic means for 'providing plural interactive television channels, enabling a user to select an interactive television channel, and determining an interactive television channel' is met as discussed in claim 1.

As to claim 4, the claimed "television channel associated with a respective television signal source" is met by "channels separately representing individual television content and individual internet content" (page 4, lines 11-13); the claimed 'logic means for displaying television broadcast content...' is met by "when an individual television content channel or an individual internet content channel is selected, the client presents the content associate with the selected channel on the display.

As to claim 5, the claimed "virtual channel associated with an Internet content provider" and "logic means for displaying Internet content..." are met as discussed in claims 1 and 4, respectively.

As to claim 6, the claimed "Web server" is met as discussed in claim 1, and the claimed Web page is met by that discussed on (page 4, line 19).

As to claim 7, the claimed Internet content stored in the ITV memory is met by "off-line browsing that allows a client user to view pages already stored in cache memory from previously visited web sites" (page 2, lines 37-39) and "can be stored either on the client or the sever" (page 10, lines 15-17).

As to claim 8, the claimed "logic means for prompting a consumer for input regarding an interactive television system" is met by 'a program which determines the useful data desired by the user via a questionnaire and then occasionally initiates requests for information from the server' (page 3, lines 24-29).

As to claim 9, the claimed "logic means for receiving consumer input at an interactive television" is inherent in the system as discussed in claim 8.

As to claim 10, the claimed "logic means for transmitting the consumer input to an interactive television server" is met by the 'templates (tailored for specific user profiles) which can be stored either on the client or the server' (page 10, lines 15-17).

As to claim 11, the claimed "logic means for transmitting the consumer input to an Internet content provider" is met by as discussed in claim 10.

As to claim 12, the claimed 'system enabling a consumer to access the Internet...' is met by the interactive television as discussed in claim 1. The claimed "television tuner" is inherent in said interactive television. The claimed means "for periodically sending updates..." is met as discussed in claim 1.

As to claim 13, the claimed memory is met 'storing on the client' as discussed in claim 7.

As to claim 14, the claimed remote memory is met by 'storing on the sever' as discussed in claim 7.

As to claim 16, the claimed 'cable modem for sending updates' is met by that described on (page 7, line 39) since if 'the guide page resides on the client, it can be periodically updated by the server' (page 12, lines 16-20) via Internet connection as discussed in claim 2.

As to claim 17, the claimed 'updates sent via at least one VBI of a television signal' is met by 'the client utilizing both a telephone modem and digital satellite service, where the satellite service delivers to the client both traditional television programming, as well as internet content during the blanking signal of the television programming' (page 8, lines 10-15).

As to claim 18, the claimed 'conventional television control device receiving consumer input' is met by a "remote control device 24 to allow the user convenient control of both Internet and television functions" (page 7, lines 18-20).

As to claim 19, the claimed "input to be received and stored in memory inside the television at a first time and then transmitted to a site remote from the television a second time" is inherently met when 'the user selects a general, preferably demographically-based profile' (claimed consumer input) (page 11, lines 34-39), which 'can be stored on the server' (page 10, line 15). In other words, the consumer profile (claimed input) is inherently "stored in memory inside the television at a first time", since

Art Unit: 2614

the profile is eventually "stored at the server" (claimed "transmitted to a site remote from the television a second time"); the reason being that as the consumer is inputting his profile, the data must at least be temporarily stored at the television before it is sent to the server.

As to claim 20, the claimed "television tuner" is met as discussed in claim 12; the claimed "display on the ITV..." is met by, which (claimed "presenting a television channel or a Web page on the ITV, the Web page being associated with a virtual channel;; the claimed" system logic for updating or changing the Web page associated with the virtual channel, such that a first version of the Web page is displayed via the virtual channel at a second time")

As to claim 21, the claimed memory is met 'storing on the client" as discussed in claim 7.

As to claim 22, the claimed remote memory is met by 'storing on the sever' as discussed in claim 7.

As to claim 24, the claimed 'cable modem for sending updates' is met by that described on (page 7, line 39) since if 'the guide page resides on the client, it can be periodically updated by the server' (page 12, lines 16-20) via Internet connection as discussed in claim 2.

As to claim 25, the claimed 'updates sent via at least one VBI of a television signal' is met by 'the client utilizing both a telephone modem and digital satellite service, where the satellite service delivers to the client both traditional television programming,

as well as internet content during the blanking signal of the television programming' (page 8, lines 10-15).

As to claim 26, the claimed "conventional TV control device receiving consumer input" is met as discussed in claim 18; the claimed "at least one virtual channel established based at least in part on the consumer input" is met as discussed in claim 2; the claimed "display for displaying either a TV channel or a virtual channel based on an user channel selection" is met as discussed in claim 1.

As to claim 27, the claimed "means for updating or changing the Web page associated with the virtual channel, such that a first version of the Web page is displayed via the virtual channel at a first time, and a second version of the Web page is displayed via the virtual channel at a second time" is met by as discussed in claim 1.

As to claim 28, the claimed consumer data is met as discussed in claim 9; the claimed 'virtual channel based at least in part on consumer data' and claimed 'television for displaying...' is met as discussed in claim 1.

As to claim 29, the claimed "means for updating or changing the Web page associated with the virtual channel, such that a first version of the Web page is displayed via the virtual channel at a first time, and a second version of the Web page is displayed via the virtual channel at a second time" is met by as discussed in claim 1.

As to claims 30-33, the claimed "ITV system server accessing a customer database to access consumer profiles..." and "server sending the updates to the television" is met by that discussed in claim 1.

Art Unit: 2614

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi (US 5,987,509) in view of Narayan et al. (US 6,859,937).

As to claims 15 and 23, although the Hsu reference fails to disclose a "DSL line attached to the television for sending updates" the examiner gives Official Notice that it is notoriously well known in the art to use a connected DSL line to update a television, since this type of connection enables desired data transfer efficiency. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Hsu reference to use DSL, which effectively makes necessary the existence of an infrared receive unit.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



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